

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF FREDERICK FOSTER

Docket No. C2015-3

**UNITED STATES POSTAL SERVICE MOTION TO DISMISS
THE COMPLAINT OF FREDERICK FOSTER**
(July 14, 2015)

INTRODUCTION

On June 24, 2015, Frederick Foster (Complainant) filed a complaint with the Postal Regulatory Commission (Commission).¹ The Complaint contains allegations against the United States Postal Service (Postal Service) and Pitney Bowes, Inc. (Pitney Bowes) concerning 39 U.S.C. § 404a, which addresses unfair competitive practices, and various other claims. Specifically, the Complaint includes the following eleven counts:

- I. Complainant alleges his proprietary information was disclosed to Pitney Bowes to implement Volly.com, in violation of 39 U.S.C. 404a(2) & (3).²
- II. Complainant contends that there is a conspiracy to privatize the Postal Service using resources from the Competitive Product Fund in violation of 39 U.S.C. 401(2).³
- III. Complainant alleges violations of 39 U.S.C. 404(d) & (e), claiming that the Postal Service disclosed the Complainant's intellectual property to third parties.⁴

¹ Complaint of Frederick Foster (Complaint), Docket No. C2015-3 (June 24, 2015).

² *Id.* ¶¶ 358-361.

³ *Id.* ¶¶ 362-367.

- IV. Complainant alleges that the announcement of the launch and the actual launching of Volly.com outside the United States constitutes violations of 18 U.S.C. 1831 Economic Espionage, and 1832 Theft of Trade Secrets.⁵
- V. Complainant alleges that Volly.com's design is a misappropriation of trade secrets.⁶
- VI. Complainant alleges that the supposed use of his intellectual property violates 39 U.S.C. 404(d) for unfair or deceptive acts or practices.⁷
- VII. Complainant also contends that the supposed use of his intellectual property constitutes misrepresentation and fraud.⁸
- VIII. Complainant contends that the implementation of Volly.com constitutes the tort of conversion.⁹
- IX. Complainant contends that the implementation of Volly.com has unjustly enriched the Postal Service and Pitney Bowes.¹⁰
- X. Complainant alleges that additional services from the Postal Service, including the USPS Business Customer Gateway, Customer Registration Identification (CRIDs), and Mail Identification (MIDs), duplicate his intellectual property.¹¹
- XI. Complainant alleges violations of antitrust laws, collusion, bid rigging, and insider trading as part of a conspiracy to dismantle and privatize the Postal Service.¹²

⁴ *Id.* ¶¶ 368-371.

⁵ *Id.* ¶¶ 372-374.

⁶ *Id.* ¶¶ 375-377.

⁷ *Id.* ¶¶ 378-384.

⁸ *Id.* ¶¶ 385-390.

⁹ *Id.* ¶¶ 391-394.

¹⁰ *Id.* ¶¶ 395-397.

¹¹ *Id.* ¶¶ 398-400.

¹² *Id.* ¶¶ 401-406.

Pursuant to 39 C.F.R. § 3030.12(b),¹³ the United States Postal Service (Postal Service) hereby moves to dismiss the Complaint with prejudice. As described in detail below, multiple grounds for dismissal exist, including failure to state a claim upon which relief can be granted, lack of jurisdiction, and res judicata. Section I below addresses Counts I and X and any other counts that potentially allege violations of 39 U.S.C. § 404a, and section II below addresses all other counts. Accordingly, the Postal Service respectfully requests that the Commission dismiss this Complaint with prejudice.

BACKGROUND

In 2007, Complainant claims to have contacted Linda Kingsley, Senior Vice President Strategy and Transition at the Postal Service, to pitch his idea for creating a “Virtual P.O. Box.”¹⁴ Complainant describes his proposal as one that provides verification of identities in online money transfers and communication.¹⁵ Complainant alleges that he uploaded a description of his idea to the USPS Innovations Data Base.¹⁶ This data base allows the public to share ideas with the Postal Service under certain conditions. The first provision in the terms and conditions requires that the submitted idea is “provided on a non-confidential basis. [The submitter] is agreeing that the Postal Service has not and is not promising to keep [the] idea confidential.”¹⁷ In addition, the sixth provision in the terms and conditions states that “by submitting [the] idea at

¹³ Pursuant to this rule, the Postal Service’s Answer is deferred. If the Commission denies the Postal Service’s motion or postpones disposition, the Postal Service’s answer is due within 10 days of the Commission’s action.

¹⁴ Complaint at Ex. B.

¹⁵ Complaint ¶ 10.

¹⁶ Complaint at Ex. C.

¹⁷ Attachment A (USPS Innovations Database Disclaimer, 2011) and Attachment B (USPS Innovations Database Disclaimer, 2002). Though the language of the terms and conditions changed slightly, these documents show a consistent disclaimer establishing that ideas submitted through the data base will not be considered confidential and that submitters waive all claims related to the submitted ideas.

Innovations@USPS, [the submitter is] representing and agreeing that [the submitter] waive[s] any claims of any nature and including any claims for compensation whatsoever arising out of [this] submission to Innovations@USPS or other disclosure by [the submitter] to the Postal Service.”¹⁸

On June 15, 2007, Thomas Cinelli, Acting Manager, Strategic Business Initiatives, first responded via email to Complainant’s submission.¹⁹ Mr. Cinelli allegedly indicated that he would circulate the idea to internal stakeholders within the Postal Service.²⁰ According to Mr. Cinelli’s notes, Complainant and Mr. Cinelli spoke on the phone several times,²¹ and Complainant applied for a provisional patent.²² The application was later rejected by the U.S. Patent and Trademark Office on the grounds of obviousness.²³ Eventually, the Postal Service chose not to pursue the idea.²⁴

Complainant then allegedly submitted his proposal through the USPS Unsolicited Proposal Program (UPP).²⁵ The long-standing UPP terms and conditions are similar to those for Innovations@USPS.²⁶ The first provision in the terms and conditions states that “[t]he Postal Service does not promise or have any obligation to hold the suggestion and all disclosures and materials concerning it confidential.”²⁷ The second provision specifies that protections for patented proposals are “limited to those rights and

¹⁸ *Id.*

¹⁹ Attachment C (Email from Thomas Cinelli, June 15, 2007).

²⁰ Complaint at Ex. E.

²¹ Attachment D (Chronology of Phone Contacts, August 14, 2007).

²² Attachment E (Patent Application No. 12/129755 (rejected June 24, 2010)).

²³ *Id.*

²⁴ Attachment F (Decline Email, September 11, 2007).

²⁵ Complaint ¶ 21.

²⁶ Attachment G (Unsolicited Program Proposal Disclaimer, 2003) and Attachment H (Unsolicited Program Proposal Disclaimer, 2015). Though the language changed slightly, these documents show a consistent disclaimer that the Postal Service will not keep these submissions confidential and that all claims arising out of such submissions are waived

²⁷ *Id.*

remedies now and in the future afforded to [the submitter] under U.S. patent and trademark law,”²⁸ and the third provision states that “[a]ll other claims of any nature whatever arising out of any disclosure by you to the Postal Service are hereby waived.”²⁹ The Postal Service is unaware of any additional communications regarding this second alleged submission of Complainant’s proposal.

The name “Virtual Post Office Box” was later used in a report from the Office of the Inspector General, but unlike the Complainant’s proposal, that idea focused primarily on the security of physical mail delivery and would “provide users the ability to accept or redirect mailpieces using the Postal Service’s website and smart devices.”³⁰

Complainant then allegedly contacted members of Congress, who, in December of 2009, allegedly forwarded the plan on his behalf to Joseph Adams, Manager of Online Marketing at the Postal Service.³¹ Mr. Adams allegedly declined Complainant’s invitation to pursue the Virtual P.O. Box concept.³² Complainant alleges that in 2011, Pitney Bowes announced the creation of Volly.com, a secure digital mail delivery service with elements that Complainant claims are similar to his own proposal.³³

Complainant requests that the Commission hold hearings, investigate the allegations, and award him monetary damages of \$6.9 billion in total.³⁴

²⁸ *Id.*

²⁹ *Id.*

³⁰ Office of Inspector General, United States Postal Service, *Virtual Post Office Boxes*, Report No. MS-WP-13-002 (April 17, 2013)

³¹ Complaint ¶ 26.

³² *Id.* at Ex. G.

³³ *Id.* ¶ 33.

³⁴ *Id.* ¶ 204.

PROCEDURAL HISTORY

On November 23, 2011, Complainant filed a complaint against Pitney Bowes and the Postal Service in the United States District Court for the Eastern District of Pennsylvania.³⁵ This complaint contained discussions of patent infringement,³⁶ and allegations that the Postal Service and Pitney Bowes violated the Postal Accountability and Enhancement Act (PAEA) (Count I).³⁷ The complaint also contained tort allegations of misrepresentation/fraud (Count II), conversion (Count III), unjust enrichment (Count IV), misappropriation of trade secrets (Count V), and punitive damages (Count VI).³⁸ On March 9, 2012, the Postal Service filed a motion to dismiss the complaint for a lack of subject matter jurisdiction and for failure to allege a claim upon which relief may be granted.³⁹

On July 23, 2012, the United States District Court for the Eastern District of Pennsylvania granted the Postal Service's Motion to Dismiss and dismissed the complaint against the Postal Service with prejudice.⁴⁰ With respect to the allegations regarding the PAEA (Count I), the District Court dismissed the claim for a lack of subject matter jurisdiction, identifying that claims under 39 U.S.C. § 404a should be filed with the Postal Regulatory Commission.⁴¹ With respect to the allegations of misrepresentation/fraud and conversion (Counts II and III), the District Court dismissed

³⁵ See Compl., *Foster v. Pitney Bowes Inc. and U.S. Postal Serv.*, No. 2:11-CV-07303 (E.D. Pa., Nov. 23, 2011), 2011 WL 6076119 ("District Court Complaint"). Pitney Bowes Inc. is incorrectly named in the complaint as Pitney Bowes Corporation.

³⁶ The complaint did not contain any clearly alleged claims of patent infringement.

³⁷ District Court Complaint ¶¶ 44-49.

³⁸ *Id.* ¶¶ 50-66.

³⁹ See Mot. of Def. U.S. Postal Serv. to Dismiss, *Foster v. Pitney Bowes Inc. and U.S. Postal Serv.*, No. 2:11-CV-07303 (E.D. Pa., Mar. 9, 2012), 2012 WL 1599550.

⁴⁰ See Order, *Foster v. Pitney Bowes Inc. and U.S. Postal Serv.*, No. 2:11-CV-07303 (E.D. Pa., July 23, 2012); see also Op., *Foster v. Pitney Bowes Inc. and U.S. Postal Serv.*, No. 2:11-CV-07303 (E.D. Pa., July 23, 2012) ("District Court Op. Dismissing USPS").

⁴¹ District Court Op. Dismissing USPS at 9.

the claims because such claims may not be raised against the federal government per the Federal Tort Claims Act (FTCA).⁴² With respect to the allegations of unjust enrichment and misappropriation of trade secrets (Counts IV and V), the District Court noted that the plaintiff failed to exhaust his administrative remedies, as required by the FTCA (because he did not present those claims to the Postal Service's Torts Claims Examiner prior to initiating court action).⁴³

Subsequent to the Postal Service being dismissed from the case,⁴⁴ on August 3, 2012, Pitney Bowes filed a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c).⁴⁵ In that motion, Pitney Bowes argued that Complainant did not in fact have any intellectual property rights related to his Virtual P. O. Box/Internet Passport concept.⁴⁶ Pitney Bowes further argued that because he had neither patent rights nor trade secret protection for the Virtual P.O. Box concept, the common law tort allegations must also fail.⁴⁷

On February 8, 2013, the District Court granted Pitney Bowes's motion for judgment on the pleadings and entered judgment against Complainant.⁴⁸ The District Court explicitly stated that Complainant "did not make any effort" to keep his Virtual P.O.

⁴² *Id.* at 9-10.

⁴³ *Id.* The District Court's order dismissing the complaint against the Postal Service does not address the patent infringement allegations.

⁴⁴ Complainant unsuccessfully moved for reconsideration of the District Court's dismissal.

⁴⁵ See Pitney Bowes Inc. Mot. for J. on Pleadings Pursuant to Fed. R. Civ. P. 12(c), *Foster v. Pitney Bowes Inc. and U.S. Postal Serv.*, No. 2:11-CV-07303 (E.D. Pa., Aug. 3, 2012), 2012 WL 5382384 ("Pitney Mot. for Judgment").

⁴⁶ *Id.* at 11. Complainant does have one patent issued to him, but it is unrelated to the technology at issue in this docket. *Id.* at 2.

⁴⁷ *Id.* at 11-21.

⁴⁸ See Op. and Order, *Foster v. Pitney Bowes Inc. and U.S. Postal Serv.*, No. 2:11-CV-07303 (E.D. Pa., Feb. 8, 2013), 2013 WL 487196 ("Opinion and Order Dismissing Pitney Bowes"). On February 12, 2013, the District Court issued a subsequent order to clarify language from the Opinion and Order Dismissing Pitney Bowes issued on February 8, 2013. The February 12, 2013 order did not change the substance of the February 8 dismissal.

Box concept secret, and that, “in fact, [he] himself made [the Virtual P.O. Box concept] a matter of public record.”⁴⁹ Specifically, the District Court explained that Complainant made the information publicly available when he filed his patent application (and noted that he did not make a non-publication request at the time of filing).⁵⁰ With respect to Complainant’s trade secret allegation, the District Court also noted that “[b]y sharing [the Virtual P.O. Box concept] with Pitney Bowes and USPS in a business proposal, without any confidentiality agreement or similar precaution, [Complainant] extinguished any claim that [the Virtual P.O. Box concept] is a trade secret.”⁵¹

On December 11, 2013, the United States Court of Appeals for the Federal Circuit affirmed the District Court’s dismissal of the allegations against the Postal Service and Pitney Bowes and the District Court’s grant of judgment on the pleadings.⁵² Specifically, with respect to the tort allegations against Pitney Bowes, the Federal Circuit concluded that “the publication of U.S. Patent Application No. 12/129,755 on December 4, 2008 precludes any tort recovery by Mr. Foster.”⁵³ The Federal Circuit further explained that because Complainant did not opt to file a non-publication request with his provisional patent application, “the ideas in his published patent application therefore were not subject to reasonable efforts to maintain confidentiality.”⁵⁴ In response to Complainant’s assertion that his provisional patent application did not contain all of the trade secrets at issue, the Federal Circuit noted that “there is no evidence that Mr. Foster entered into any confidentiality agreement, informal or

⁴⁹ Opinion and Order Dismissing Pitney Bowes at 4.

⁵⁰ *Id.* at 6 (explaining that “because by definition a patent and a published patent application are matters of public record, the legal protection of trade secrets and patents are mutually exclusive”).

⁵¹ *Id.* at 6.

⁵² *Foster v. Pitney Bowes Corp. and U.S. Postal Serv.*, 549 Fed. Appx. 982 (Fed. Cir., Dec. 11, 2013).

⁵³ *Id.* at 989.

⁵⁴ *Id.*

otherwise, with Pitney Bowes when he initiated contact with the company in 2009.”⁵⁵ As such, the Federal Circuit concluded that “these trade secrets were not the subject of ‘reasonable efforts to maintain secrecy’ as Pennsylvania law requires.”⁵⁶

Finally, on October 6, 2014, the United States Supreme Court denied Complainant’s petition for writ of certiorari.⁵⁷ Complainant subsequently initiated this docket.

ARGUMENT

I. COMPLAINANT FAILS TO STATE A CLAIM UNDER 39 U.S.C. § 404a.

The allegations of the Complaint, even if true, and they are not, fail to state a claim under 39 U.S.C. §§ 404a(a)(2) and (3), and thus Counts I and X, and any other counts based on sections 404a(a)(2) or (3), must be dismissed. Complainant’s allegations concerning section 404a(a) fail because Complainant disclosed his alleged intellectual property voluntarily to Pitney Bowes and the public, and thus there was no compulsion. Moreover, the information subject to the alleged disclosure does not constitute intellectual property for purposes of section 404a(a)(2). Complainant’s allegations involving section 404a(a)(3) also fail because Complainant has identified no Postal Service product or service that reflects the features and functions of Complainant’s Virtual P.O. Box concept, and the information constituting the Virtual P.O. Box concept identified in the Complaint was available publicly and through sources

⁵⁵ *Id.* at 989-990.

⁵⁶ *Id.*

⁵⁷ *Foster v. Pitney Bowes Corp.*, 135 S.Ct. 182 (2014); see also *Foster v. Pitney Bowes Corp.*, 135 S.Ct. 776 (2014) (denying Mr. Foster’s petition for rehearing).

other than Complainant. Accordingly, Counts I and X, and any other Counts based on sections 404a(a)(2) and (3), must be dismissed with prejudice.

A. Complainant Fails to Allege a Violation of 39 U.S.C. § 404a(a)(2).

The allegations of the Complaint fail to state a claim under 39 U.S.C. § 404a(a)(2), and thus they must be dismissed. Section 404a(a)(2) prohibits the Postal Service from “compel[ling] the disclosure, transfer, or licensing of intellectual property to any third party.” Accordingly, to state a claim under section 404a(a)(2), a complainant must allege the following four elements.

- 1) a Postal Service action that compels;
- 2) the action compelled is disclosure, transfer, or licensing;
- 3) the information disclosed, transferred, or licensed qualifies as intellectual property; and
- 4) a third party is the recipient of the disclosed, transferred, or licensed intellectual property.

Because Complainant does not, and cannot, satisfy the elements of a claim under section 404a(a)(2), all of the Complainant’s claims that allege a violation of section 404a(a)(2) must be dismissed.

As an initial matter, the Complainant’s Virtual P.O. Box idea does not constitute intellectual property for purposes of section 404a(a)(2). The District Court recognized that the U.S. Patent and Trademark Office rejected Complainant’s patent application for the Virtual P.O. Box concept on the basis of obviousness.⁵⁸ The District Court further recognized that Complainant’s patent application is public information, and that

⁵⁸ Opinion and Order Dismissing Pitney Bowes at *1, *10; Attachment A at 10-17.

Complainant made no reasonable effort to secure confidentiality agreements before discussing the Virtual P.O. Box concept, or otherwise treat the Virtual P.O. Box concept as confidential information.⁵⁹ Finally, Complainant allegedly submitted his Virtual P.O. Box idea through programs with terms and conditions establishing that the proprietary nature of any information would be eliminated upon submission.⁶⁰ Because Complainant's Virtual P.O. Box concept does not constitute intellectual property for purposes of section 404a(a)(2), Complainant fails to state a claim under section 404a(a)(2).

With respect to the first two elements of the section 404a(a)(2) claim identified above, the Complaint alleges no compelled "disclosure, transfer, or licensing" of the Virtual P.O. Box concept identified in the Complaint. In his District Court complaint, Complainant asserted that he disclosed his Virtual P.O. Box idea to Pitney Bowes voluntarily.⁶¹ Complainant identifies no involvement of the Postal Service in this voluntary disclosure, as he identifies the Postal Regulatory Commission, and not the Postal Service, as the source that recommended voluntary disclosure to Pitney Bowes.⁶² Before the voluntary disclosure to Pitney Bowes, Complainant made his Virtual P.O. Box idea available to the public through his patent application filed in 2007, and did not seek to protect it from disclosure through a confidentiality agreement when he presented it to the Postal Service, Pitney Bowes, and other parties.⁶³ Because Complainant disclosed the Virtual P.O. Box voluntarily and publicly without reasonable

⁵⁹ Opinion and Order Dismissing Pitney Bowes at *4, 6-8.

⁶⁰ See Attachments A, B G, and H.

⁶¹ District Court Complaint ¶ 29.

⁶² *Id.* ¶¶ 27-28.

⁶³ *Id.* ¶ 23; Opinion and Order Dismissing Pitney Bowes at *4, 6-8.

steps to protect its confidentiality, Complainant fails to allege compelled disclosure, a required element of a section 404a(a)(2) claim.

Finally, Complainant waived his right to bring a section 404a(a)(2) claim involving the Virtual P.O. Box when he submitted the Virtual P.O. Box idea to the Postal Service through the Unsolicited Proposal Program and USPS Innovations Database and agreed to the applicable terms and conditions.⁶⁴ Specifically, Complainant waived “claims of any nature whatever arising out of any disclosure . . . to the Postal Service.”⁶⁵ Accordingly, Complainant waived any claim related to information disclosed through the Unsolicited Proposal Program and USPS Innovations Database, including a claim brought under section 404a(a)(2). Therefore, Complainant is barred from bringing a section 404a(a)(2) claim based on the Virtual P.O. Box concept.

Because (1) the Complainant’s Virtual P.O. Box concept was disclosed publicly and voluntarily, and not through compelled disclosure, (2) the Complainant’s Virtual P.O. Box concept does not constitute intellectual property for purposes of section 404a(a)(2), and (3) Complainant waived all claims related to the Virtual P.O. Box, Complainant fails to state a claim under section 404a(a)(2), and thus Counts I and X of the Complaint, and any other counts alleging a violation of section 404a(a)(2), must be dismissed.

B. Complainant Fails to Allege a Violation of 39 U.S.C. § 404a(a)(3).

The allegations of the Complaint do not state a claim under 39 U.S.C. § 404a(a)(3), and thus they must be dismissed. Section 404a(a)(3) prohibits the Postal Service from:

⁶⁴ See Attachments G and H.

⁶⁵ *Id.*

obtain[ing] information from a person that provides (or seeks to provide) any product, and then offer[ing] any postal service that uses or is based in whole or in part on such information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

The programs identified by Complainant⁶⁶ as “a duplicate of many features of [Complainant]’s intellectual property”⁶⁷ are substantially different from the Virtual P.O. Box concept, and are not based on any information provided by Complainant. More specifically, the USPS Business Customer Gateway, Customer Registration Identification (CRIDs), and Mailer Identification (MIDs) are programs utilized for customer registration and organization purposes, and serve functions unrelated to the online identity verification functions of the Virtual P.O. Box concept described by Complainant.⁶⁸ With respect to Volly.com, a Pitney Bowes program in which the Postal Service has no ownership or direct involvement, the District Court determined that Volly.com is not based on any intellectual property or nonpublic information provided by Complainant.⁶⁹

In addition to the Complainant’s failure to satisfy the essential elements of a section 404a(a)(3) claim, the public availability of the information underlying the Virtual P.O. Box described by Complainant provides further justification for dismissal of the Complainant’s section 404a(a)(3) claim. Pursuant to 39 C.F.R. § 3032.7(b), “[a]s an affirmative defense to a complaint under 39 U.S.C. §

⁶⁶ Complainant identified the following programs as sources of the alleged section 404a(a)(3) violations: USPS Business Customer Gateway, Customer Registration Identification (CRIDs), Mailer Identification (MIDs), and Pitney Bowes’ Volly.com.

⁶⁷ Complaint ¶¶ 33, 399.

⁶⁸ See, e.g., CRID & MID Acquisition Fact Sheet, available at http://blue.usps.gov/bma/_pdf/BMA%20and%20PT%20website%20files/Premier_BMEU/CRIDandMIDFactSheet.pdf (last visited on July 8, 2015).

⁶⁹ See Opinion and Order Dismissing Pitney Bowes.

404a(a)(3), the Postal Service may demonstrate that substantially the same information was obtained (or was obtainable) from an independent source or is otherwise obtained (or obtainable) through lawful means.” As recognized by the District Court and the U.S. Patent and Trademark Office, the information that constitutes the Complainant’s Virtual P.O. Box concept was available and obtainable through other sources, including the Complainant’s patent application for the Virtual P.O. Box concept and the prior art identified in support of the obviousness rejection of this patent application.⁷⁰ Accordingly, the affirmative defense recognized in 39 C.F.R. § 3032.7(b) applies here and bars the Complainant’s section 404a(a)(3) claims.

Finally, as described in section I.A. above, Complainant waived his right to bring a section 404a(a)(3) claim involving the Virtual P.O. Box when he submitted the Virtual P.O. Box idea to the Postal Service through the Unsolicited Proposal Program and USPS Innovations Database and agreed to the applicable terms and conditions.⁷¹ Specifically, the applicable terms and conditions provide that “claims of any nature whatever arising out of any disclosure . . . to the Postal Service” through the Unsolicited Proposal Program or the USPS Innovations Database are waived.⁷² Because Complainant has identified no postal service offered by the United States Postal Service that is based on the Virtual P.O. Box idea, and because the Virtual P.O. Box concept was available through sources other than Complainant, Complainant fails to state a claim under section 404a(a)(3), and

⁷⁰ See Attachment E; Opinion and Order Dismissing Pitney Bowes.

⁷¹ See Attachments A, B, G, and H.

⁷² *Id.*

thus Counts I and X, and any other counts alleging a violation of section 404a(a)(3), must be dismissed with prejudice.

II. The Commission Should Dismiss Counts II Through IX and XI for Lack of Jurisdiction.

The remainder of Complainant's claims must be dismissed for lack of jurisdiction. Section 3662 of title 39 of the U.S. Code limits the Commission's complaint jurisdiction to only those claims that "the Postal Service is not operating in conformance with the requirements of the provisions of sections 101(d), 401(2), 403(c), 404a, or 601, or this chapter (or regulations promulgated under any of those provisions)" Absent an allegation of a violation of one of the enumerated sections, the Commission must dismiss the claim as outside the scope of its statutory authority.

Counts III through IX and XI allege causes of action outside the scope of the Commission's jurisdiction. Specifically, Counts III and VI allege violations of subsections of 39 U.S.C. § 404. Factually, Count III alleges that the Postal Service knowingly and intentionally disclosed Complainant's intellectual property to third parties and Count VI alleges unfair and deceptive acts by the Postal Service.⁷³ Section 404 of title 39 and its subsections are not enumerated in section 3662 as a basis for the Commission's complaint jurisdiction, and the Commission lacks authority to entertain these claims.

Counts IV, V, VII, VIII, IX and XI do not even reference any applicable sections of title 39 upon which the Commission has jurisdiction. Specifically, Count IV alleges violations of 18 U.S.C. 1831, the Economic Espionage Act of 1996; Count V alleges that

⁷³ To the extent that Complainant is alleging unfair or deceptive acts or practices in violation of 39 U.S.C. § 404a, those claims should be dismissed for the reasons set forth above in sections A and B.

the Postal Service misappropriated Complainant's trade secret information; Count VII alleges misrepresentation and fraud by the Postal Service in its dealing with Complainant; Count VIII alleges conversion by the Postal Service in using Complainant's intellectual property; Count IX alleges that the Postal Service has been unjustly enriched by using Complainant's intellectual property without permission; and Count XI alleges that the Postal Service is intentionally incurring losses to appear insolvent, thereby forcing the U.S. government to privatize the Postal Service and causing Pitney Bowes to take over postal operations without competitive bidding.⁷⁴ Instead of relying on any enumerated provisions of section 3662, these counts rely on causes of action under common law tort theory, the Economic Espionage Act of 1996, and unspecified "antitrust laws."⁷⁵ The absence of a reference to one of the enumerated provisions of section 3662 and the lack of any facts to support a cause of action under the enumerated provisions are fatal to these claims. Accordingly, none of these counts provides a basis for jurisdiction before the Commission, and each should be dismissed with prejudice.

Count II of the Complaint, "Unlawful Investments of Competitive Product Funds Violations of 39 U.S.C. 401(2)," is the only remaining allegation that even references one of the enumerated sections in 39 U.S.C. § 3662(a). The Commission, however, has clearly held that to succeed on a claim premised on subsection 401(2), a complainant must demonstrate that "the Postal Service adopted, amended, or repealed

⁷⁴ These allegations are presented as a brief summary of Complainant's allegations, and as the Postal Service does not believe that the Commission has jurisdiction over any of these claims, it will not provide factual or specific legal responses to these claims.

⁷⁵ The Postal Service also notes that Counts IV, V, VII, VIII, and IX are also precluded by res judicata, as the U.S. District Court for the Eastern District of Pennsylvania dismissed these counts upon a finding that the Postal Service is immune from such claims based upon sovereign immunity and the limited waiver of the Federal Tort Claims Act (Civ. No. 7307, Opinion Granting Motion to Dismiss, July 23, 2012).

rules or regulations inconsistent with title 39.”⁷⁶ Complainant here has not alleged any adoption, amendment or repeal of any rules or regulations by the Postal Service, let alone that any is inconsistent with title 39. Instead, Complainant has referenced section 401(2) as a basis for a claim that the Postal Service, as an institution, is seeking to “perpetuate[] the sabotage and dismantling of the USPS assets” through its real estate activities.⁷⁷ As such, Complainant has failed to allege a proper section 401(2) claim for which the Commission has jurisdiction, and this count should also be dismissed with prejudice.

Counts II through IX and XI allege causes of action outside the scope of the Commission’s jurisdiction, and the Commission should dismiss these claims with prejudice.

CONCLUSION

The Complaint contains a number of allegations, most of which are well beyond the scope of the Commission’s jurisdiction. Complainant’s only allegations that potentially fall within the Commission’s jurisdiction relate to 39 U.S.C. §§ 404a(a)(2) and (3), and those allegations should be dismissed for failure to state a claim upon which relief can be granted.

Both the U.S. Patent and Trademark Office and the District Court for the Eastern District of Pennsylvania have determined that the Complainant’s Virtual P.O. Box concept does not constitute protected intellectual property. This is an essential element of section 404a(a)(2). Moreover, Complainant has not, and cannot, demonstrate that the Postal Service compelled the disclosure, transfer, or licensing of the Virtual P.O.

⁷⁶ Order Granting Motion to Dismiss, Order No. 2377, Docket No. C2015-1 (Mar. 4, 2015) at 7.

⁷⁷ Complaint ¶ 363.

Box concept. In fact, Complainant waived his ability to bring a section 404a(a)(2) claim when he submitted his Virtual P.O. box concept per the terms and conditions of the Unsolicited Proposal Program and USPS Innovations Database.

Complainant's allegations under section 404a(a)(3) also fail to state a claim upon which relief can be granted because (1) Complainant has not, and cannot, identify any postal service offered by the Postal Service that is based on the Virtual P.O. Box concept; and (2) the Virtual P.O. Box concept was available through sources other than Complainant. As these are both required elements for a section 404a(a)(3) claim, the allegations should be dismissed.

Because the allegations under 39 U.S.C. §§ 404a(a)(2) and (3) fail to state a claim upon which relief can be granted, and the remaining allegations fall beyond the scope of the Commission's complaint jurisdiction, the Commission should dismiss the Complaint with prejudice.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Anthony F. Alverno
Chief Counsel
Global Business & Service Development

Caroline R. Brownlie
Kyle R. Coppin
James M. Mecone
Keith C. Nusbaum

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-6525
james.m.mecone@usps.gov

ATTACHMENT A

[Home](#)[Innovations@USPS](#)

Innovations@USPS

What you need to know before submitting an idea.

We appreciate your interest in the Postal Service^T and are interested to consider your ideas, suggestions and any related materials (herein "Ideas"). Please note, however, that we receive many ideas gratuitously, some of which are duplicative, some of which we have already considered, and some of which we have already developed on our own. Thus, there is a fair chance that your Ideas are not new to us.

Though we encourage you to submit Ideas for our consideration, we must abide by some requirements to accept your Ideas for consideration. For legal reasons for the security of the organization, we must require you to be bound by the Terms discussed below before we can review your Ideas. In particular, please note that, for the security of the Postal Service^T and other legal reasons, we cannot receive your Ideas in confidence and cannot agree to keep your Ideas confidential.

If you do **NOT WANT** to agree to be bound to these Terms, **DO NOT COMPLETE** the Innovations@USPS online submission.

If you **SUBMIT** your Ideas to Innovations@USPS, then **YOU ARE AGREEING TO BE BOUND BY THESE TERMS.**

1. By submitting your Ideas to the Postal Service^T, you are representing that your Ideas are provided on a nonconfidential basis. You are agreeing that the Postal Service^T has not and is not promising to keep your Ideas confidential and has no obligation to do so.

2. You are agreeing that your Ideas are protected only to the extent that your Ideas are now or later protected under copyright and patent laws applicable to the Postal Service^T.

3. By submitting your ideas at Innovations@USPS, you are representing and agreeing that doing so does not violate any agreement or understanding you may have with another party, including other organizations, and former or current employers, or their policies and procedures or the like that govern you. Please do not submit an Innovations@USPS Form or proposal describing your Ideas unless you are certain that you are correct in making this representation.

4. By submitting your Ideas at Innovations@USPS, you are representing and agreeing that you have the full right to disclose this Idea to the Postal Service^T and that the Ideas are not owned by any third party and that you are not subject to an obligation of confidentiality concerning these Ideas.

5. By submitting your Ideas at Innovations@USPS, you are representing and agreeing that you are not in violation of any law rule, or regulation of any governmental entity. Please do not submit your Ideas at Innovations@USPS unless you are certain that you are correct in making this representation.

6. By submitting your Ideas at Innovations@USPS, you are representing and agreeing that you waive any claims of any nature and including any claim of compensation, whatsoever arising out of your submission at Innovations@USPS or other disclosure by you to the Postal Service.

7. By submitting your Ideas at Innovations@USPS, you are agreeing that the Postal Service has no obligation to return to you any material you submit.

8. By submitting your Ideas at Innovations@USPS, you are agreeing that these Terms apply to any disclosure whatsoever that you make to the Postal Service.

9. TO EMPLOYEES: If you are a Postal employee, submitting your Ideas at Innovations@USPS will not be considered an employee idea/suggestion submission. Postal employees must follow the employee

idea/suggestion rules and procedures to be eligible for any incentive awards under that program.

☐ I have **read** the [Privacy Policy Statement](#) of the United States Postal Service®.

☐ I **accept** the terms and conditions for submitting these ideas to the United States Postal Service®.

[< Cancel](#)

[Continue >](#)

[Site Map](#) [Contact Us](#) [Forms](#) [Gov't Services](#) [Jobs](#) | [National & Premier Accounts](#)

Copyright © 1999-2005 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#) [No FEAR Act](#) [EEO Data](#)



Postal Inspectors
Preserving the Trust



Inspector General
Promoting Integrity

ATTACHMENT B



Home

Terms and Conditions for submitting an idea & Disclosure Disclaimer

Privacy Act Statement:

To the extent that the information you provide is about an individual, the Privacy Act will apply. Collection of that information is authorized by 39 USC 401. The information will be used to respond to your request for information about contracting opportunities. As a routine use, the information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, an administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; to a labor organization as required by the National Labor Relations Act; to a federal, state or local agency, financial institution or other appropriate entity for the purpose of

We appreciate your interest in the Postal Service. BY SUBMITTING AN IDEA TEMPLATE TO THE POSTAL SERVICE, YOU AGREE TO BE BOUND BY THE FOLLOWING TERMS AND CONDITIONS. IF YOU DO NOT AGREE TO BE BOUND TO THESE TERMS AND CONDITIONS, PLEASE DO NOT SUBMIT AN IDEA. Please note that while we accept for consideration ideas that you wish to send us, you should know that we get many ideas gratuitously, some of which are duplicative, some of which we have already considered, and some of which we have already developed on our own. However, we cannot receive your ideas in confidence and we will consider ideas under the following conditions:

1. By submitting an Idea Template you are representing and warranting that your idea and all disclosures and materials concerning it that are provided to the Postal Service are submitted on a nonconfidential basis. The Postal Service does not promise or have any obligation to hold the idea and all disclosures and materials concerning it confidential. The Postal Service shall not be subject to any obligations regarding confidentiality, proprietary rights or non-disclosure regarding any information, ideas, concepts, know-how or techniques contained in the Idea Template or related submissions.
2. If you have obtained a patent/copyright concerning your suggestion, all of your rights and remedies (and those of your principals) arising out of the disclosure of such suggestions to, or their use by, the Postal Service are limited to the rights and remedies now or in the future accorded to you under United States patent or copyright laws. Our review of your idea does not imply or impose any obligations on us.
3. By submitting an Idea Template you are representing and warranting that doing so does not violate any agreement or understanding you may have with another party, including your current or former employer. This may include the policies and rules of your present or former employer regarding ownership of ideas, non-competition or any other policies or rules. Do not submit an Idea Template unless you are sure that you are correct in making this representation.
4. By submitting an Idea Template you are representing and warranting that you are not disclosing any information or ideas that are owned by a third party or that you are bound to keep confidential. Do not submit an Idea Template unless you are sure that you are correct in making this representation.
5. By submitting an Idea Template you are representing and warranting that you are not in violation of any law, rule or regulation of any governmental entity. Do not submit an Idea Template unless you are sure that you are correct in making this representation.
6. By submitting an idea template, you are representing and

verifying an individual's or entity's eligibility or suitability for engaging in a transaction. In addition, the following disclosures may be made to any person: a solicitation mailing list when a purchase is highly competitive and competitions will not be harmed by release, or to provide an opportunity for potential subcontractors seeking business; a list of lessors of real or personal property to the USPS; a list of entities with whom the USPS transacts for goods or services; interests in real property, construction, financial instruments, or intellectual property; and the identity of the successful offeror. Completion of this form is voluntary; however, if this information is not provided, we will be unable to process your request.

warranting that all other claims of any nature whatever arising out of any disclosure by you to the Postal Service are hereby waived.

7. The Postal Service is under no obligation to return to you any material submitted.

8. These conditions will apply to any additional disclosures you make incidental to your original submission.

9. This revenue idea Web site does not replace the USPS employee idea program. If you are a Postal employee, submitting your revenue-generating idea at this site will not be considered an employee idea submission. Postal employees must follow the employee idea initiative rules and procedures to be eligible for any incentive awards under that program.

If you wish to submit your business idea subject to these terms, click on the "Accept" button below. Because we receive a large number of ideas and do not generally return them, we recommend that you keep a copy of your submission.

Thank you for your interest in the United States Postal Service. I have read the above and agree to these conditions.

ACCEPT

DECLINE

ATTACHMENT C

From: Innovations@usps.gov

To: genevicci@hotmail.com

Cc:

Bcc:

Sent: Friday, June 15, 2007 1:42 PM

Subject: Innovations Proposal Case Number 3127 - F.D. FOSTER?VIRTUAL P.O. BOX/SECURITY DEPOSIT BOX/REAL WORLD VERIFICATION PROCESS (TJC)

June 15, 2007

Frederick Foster
F.D. FOSTER?LLC

Dear Frederick Foster,

Thank you for your business proposal regarding the F.D. FOSTER?VIRTUAL P.O. BOX, Case #3127. We appreciate the opportunity to learn about this initiative, and your interest in sharing ideas that could help the Postal Service to better serve the nation and its customers.

We have forwarded your proposal to Internet Channel for consideration. We will inform you as soon as a decision is made.

Once again, thank you for your interest in doing business with the Postal Service.

Sincerely,

Thomas Cinelli, Acting Manager
Strategic Business Initiatives

ATTACHMENT D

F.D. FOSTER®VIRTUAL P.O. BOX/SECURITY DEPOSIT BOX/REAL WORLD VERIFICATION PROCESS

General Discussion: Chronolgy of phone contacts

 Post Reply |  Edit Message |  Delete Message | Alert Me | Go Back to Discussion Board

From: [Cinelli, Thomas J - Washington, DC](#)
Posted At: 8/14/2007 7:29 AM
Subject: Chronolgy of phone contacts
Text: Sep 7 - Inspections Service referred me to the Federal Register Notice - 2003 on In-Person Proofing <http://ribbs.usps.gov/FILES/FEDREG/USPS2003/03-15211.PDF>
This program never was launched. Will check with Legal and Product Management - there may be a management intention not to store personal inforamtion required for proffing on a Postal Service computer system

August 21 - Mr. Foster called after I left for teh day and suggested that th eInspection Service could use a similar procedure to that of validation of information for a PO Box. He suggests that that appraoch would alleviate some of the liability for the Postal Service and that he would be responsible for final validation of a business by validating address against a state tax code database but final validation of individuals reamins unclear.

August 21 - Mr. Foster submitted an updated Case. He is seeking cost inforamtion on what it would take to perform the validation effort. I asked IT Security to review and comment on the validity of the approach outlined in the case and its effectiveness in reducing internet fraud.

August 20 - Spoke with Postal Inspector Crabb. He is reviewing the submission. I specifically asked him to provide input on the validation step, as to whether of not the Postal Service would take on that responsibility.

August 17 - Mr. Foster left a voice mail that he will update the Case today or tomorrow. That Mr. Ravnitzky snet him the Gov't Yellow Pages and that he had forwarded his Second Version file to the parties Mr. Ravnitzky had named. Mr. Foster is seeking a price for us to do the verification.

August 17 - Mr. Foster emailed the Second Version of his proposal, which is attached. I insruccted him via email taht he needed to enter the information at Innovations@usps.

August 13 - phone call - Mr Foster will send list of contacts of provided by PRC - Michael Ravnitzky

August 9 - phone call - Mr Foster had a converstaion with the PRC and was asked to forward his patent application Mr. Foster hs fired his lawyer

August 1 - Mr Foster called when I was on vacation - left me two hang-up messages and then called Linda Kingsley looking for Tom Cinelli - I returned his call when I returned on August 6

July 18 - Mr. Foster is looking for direction spoke with he and his lwyer whom will update the submission.

July 16 Mr Foster requests a tech writer to update the submission - request denied by Tom Cinelli

Early July - Phone call - Case reopened so that Mr. Foster can add information on internet fraud and highlight a potential pilot scenario using Washington DC as a pilot site.

May and June - Mr Foster placed a couple of calls to Linda Kingsley trying to move his submission along. Calls referred to Tom Cinelli.

May - Mr. Foster provided patent application number. The PTO secures patent applications. Mr. Foster has not presented his patent application to SPIN for review.

ATTACHMENT E



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/129,755	05/30/2008	Frederick D. Foster	5342-103 US	2656

7590 06/24/2010
Frederick Foster
5049 Lancaster Ave
Philadelphia, PA 19131

EXAMINER

CHUMPITAZ, BOB R

ART UNIT	PAPER NUMBER
----------	--------------

3629

MAIL DATE	DELIVERY MODE
-----------	---------------

06/24/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	12/129,755	FOSTER, FREDERICK D.	
	Examiner	Art Unit	
	BOB CHUMPITAZ	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 12/129,755
Art Unit: 3629

Page 2

DETAILED ACTION

The following is a Final Office Action in response to communication received on February 8, 2010. Claims 1-12 have been amended. Claims 1-12 are pending and addressed below.

Claim Objections

Claims 1-12 are objected to because of the following informalities:

Claims 1-2 and 4-12 have been amended to include new claim limitations, however each amended claim has not been properly amended. All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by strike-through (for deleted matter) or underlining (for added matter) with 2 exceptions: (1) for deletion of five or fewer consecutive characters, double brackets may be used (e.g., [[error]]); (2) if strike-through cannot be easily perceived (e.g., deletion of number “4” or certain punctuation marks), double brackets must be used (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be included before and after text being deleted, all in strike-through, followed by including and underlining the extra text with the desired change (e.g., ~~number 4~~ as number 14 as). An accompanying clean version is not required and should not be presented. Only claims of the status “currently amended” or “withdrawn” will include markings. Any claims added by amendment must be indicated as “new” and the text of the claim must not be underlined.

Application/Control Number: 12/129,755
Art Unit: 3629

Page 3

With respect to claim 3, the recited claim identifier states claim 3 is “currently amended,” however the amended claim limitations have not been properly identified. Appropriate correction is required.

Response to Amendments

With respect to amendments to claims 1-12:

- Each amendment document that includes a change to an existing claim, including the deletion of an existing claim, or submission of a new claim, must include a complete listing of all claims ever presented (including previously canceled and non-entered claims) in the application. After each claim number, the status identifier of the claim must be presented in a parenthetical expression, and the text of each claim under examination as well as all withdrawn claims (each with markings if any, to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.
- Markings to Show the Changes: All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by strike-through (for deleted matter) or underlining (for added matter) with 2 exceptions: (1) for deletion of five or fewer consecutive characters, double brackets may be used (e.g., [[error]]); (2) if strike-through cannot be easily perceived (e.g., deletion of number “4” or certain punctuation marks), double brackets must be used (e.g., [[4]]). As an alternative to using double brackets, however, extra portions of text may be

Application/Control Number: 12/129,755
Art Unit: 3629

Page 4

- included before and after text being deleted, all in strike-through, followed by including and underlining the extra text with the desired change (e.g., ~~number 4 as~~ number 14 as). An accompanying clean version is not required and should not be presented. Only claims of the status “currently amended” or “withdrawn” will include markings. Any claims added by amendment must be indicated as “new” and the text of the claim must not be underlined.
- Claim Text: The text of all pending claims under examination and withdrawn claims must be submitted each time any claim is amended. The text of pending claims not being currently amended, including withdrawn claims, must be presented in clean version, i.e., without any markings. Any claim presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version except to omit markings that may have been present in the immediate prior version of the claims. A claim being canceled must be indicated as “canceled;” the text of the claim must not be presented. Providing an instruction to cancel is optional. Canceled and not entered claims must be listed by only the claim number and status identifier, without presenting the text of the claims. When applicant submits the text of canceled or not-entered claims in the amendment, the Office may accept such an amendment, if the amendment otherwise complies with 37 CFR 1.121, instead of sending out a notice of non-compliant amendment to reduce the processing time.
 - Claim Numbering: All of the claims in each amendment paper must be presented in ascending numerical order. Consecutive canceled or not entered claims may be aggregated into one statement (e.g., Claims 1 – 5 (canceled)).

Application/Control Number: 12/129,755
Art Unit: 3629

Page 5

- Signatures to Amendments: An amendment must be signed by a person having authority to prosecute the application. An unsigned or improperly signed amendment will not be entered. See MPEP § 714.01(a).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The first step in determining whether a claim recites patent eligible subject matter is to determine whether the claim falls within one of the four statutory categories of invention recited in 35 USC 101 : process, machine, manufacture and composition of matter. The latter three categories define "things" or "products", while a "process" consists of a series of steps or acts to be performed.

Claims 1-6 are drawn to a method. For purposes of 101, a "process" has been given a specialized, limited meaning by the courts. Based on *In re Bilski* (Federal Circuit 2007-1130), the court outlined a test used to determine whether a method satisfies 35 USC 101, is a machine-or-transformation test. *In re Bilski* states "the machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. See *Benson*, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First as illustrated by *Benson* and discussed

Application/Control Number: 12/129,755
Art Unit: 3629

Page 6

below, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent eligibility. See Benson, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See Flook, 437 US at 590. Claim 1 recites a method for verification of an identity comprising the steps of: "requesting certificate of authentication...", "verifying information of certificate..." and "globally registering secured web page address location..." However the claimed limitations do not positively recite where a computer performs the noted steps, hence the noted claimed steps do not require the use of particular machine to perform the functions. For example, the noted steps of "requesting", "verifying" and "globally registering" can be performed by a service provider representative (governmental authority entity) which whom verifies, authenticates and registers the certificate of authentication when a user attempts to enter/access a restricted area/website. Therefore the claims do not pass the machine-or-transformation test and are hence not directed to statutory subject matter. For example, by identifying the machine that accomplishes the method steps, or positively reciting the article that is being transformed.

Please note that ***nominal recitations of a machine in an otherwise ineligible method fail to make the method a statutory process***. See Benson, 409 U.S. at 70 - 72. As Comiskey recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." Comiskey, 499 F.3d at 1380 (citing In re Grams, 888 F.2d 835, 839-40 (Fed.Cir. 1989)). Incidental physical limitations, such as data gathering, field of use limitations, storing, collecting, sending,

Application/Control Number: 12/129,755
Art Unit: 3629

Page 7

receiving, and other forms of insignificant extra solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of involvement of a machine or transformation in a method claim do not convert an otherwise ineligible claim into an eligible one. Ex parte Langemyr (2008) and In re Bilski, (Fed. Cir. 2008). Therefore, the applicable test to determine whether a claim is drawn to a patent-eligible process under §101 is the machine-or-transformation test set forth by the Supreme Court and clarified herein, and Applicants' claim here appears to fail this test. No new matter should be added.

Claim Rejections - 35 USC § 112

The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation “registering *secured web page address location* of certificate.” There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claims 2-6 depend from claim 1 and fail to cure the noted deficiencies set forth above.

Therefore claims 2-6 are also rejected under 35 USC 112 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Application/Control Number: 12/129,755
Art Unit: 3629

Page 8

Claims 7-9 recite: “means for requesting certificate...”, “means for verifying information...”, “means for globally registering...” and “means for attaching a symbol of identity verification/link...” which are a means (or step) plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

Applicant is required to:

- (a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or
- (b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or
- (c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claims 10-12 depend from claim 7 and fail to cure the noted deficiencies set forth above. Therefore claims 10-12 are also rejected under 35 USC 112 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Application/Control Number: 12/129,755
Art Unit: 3629

Page 9

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama et al. (US 7,484,246 B2, hereinafter Matsuyama) in view of Ellingson (US 6,871,287 B1) and in further view of Rosenberg et al. (US 2003/0013434 A1, hereinafter Rosenberg).

As per claims 1 and 7, Matsuyama discloses a method for verification of an identity (col. 9, lines 13-18: personal authentication method and system) comprising the steps of:

(a) requesting certificate of authentication at a central location (Figs. 62-65: requesting a personal identification certificate (IDC)); (b) verifying information of certificate after receiving the request for authentication, said information of certificate being received at said central location (col. 24, line 63 – col. 25, line 8: the personal identification certificate authority (IDA) verifies the received identification data to authenticate the user, assigns a personal identification (number)).

With respect to: “(c) globally registering secured web page address location of certificate in step (b) at one or more e-mail servers *or* internet service providers,” Matsuyama discloses where a user registers his/her personal identification in a personal identification

Application/Control Number: 12/129,755
Art Unit: 3629

Page 10

certificate authority (IDA) and the personal identification certificate authority issues a personal identification certificate (IDC) to the user. A service provider (SP) verifies the authenticity of the used on the basis of the personal identification certificate. The authentication may be performed in various manners on the basis of the IDC (col. 15, lines 42-52). Furthermore, Matsuyama discloses wherein to effectively register a personal identification certificate (IDC) a person to be certified with a personal identification certificate (IDC) first presents sampling information to register his/her template. As described earlier, an example of template information is biometric information of a person such as fingerprint information, retina pattern information, iris pattern information, voice print information, and handwriting information. Personal identification information other than biometric information is also usable (col. 23, lines 2-32; col. 24, line 54 - col. 25, line 8). Furthermore, Matsuyama discloses wherein a service registration server is a server in which users of one or more service providers (such as content distribution server) are registered. More specially, public key certificates (PKCs) of respective users are registered so as to make it possible for a service provider connected to the services registration server to perform, using the registered PKCs, various encryption processes which are needed in, for example, authentication when a service is provided (col. 73, lines 62-67). Additionally, Ellingson teaches requesting a user to enter e-mail address for verifying a user identity (See Fig. 12 and associated text). Ellingson further teaches where users provide alphanumeric identity data and where the system assigns and encrypts this data (col. 19, lines 51-55). Furthermore, Ellingson teaches acquiring from the user data representing one or more of the individual's

Application/Control Number: 12/129,755
Art Unit: 3629

Page 11

biometric characteristics and recording the biometric data in database 90 in association with the user's approved alphanumeric identity record (col. 20, lines 1-8). Lastly, Rosenberg teaches wherein a messaging server sends the user's record to a wireless e-mail server for registering a new e-mail account for the user ([paragraph] [0025, 58]). Rosenberg further teaches wherein the messaging server polls the record associated with wireless device user from user database and registers the record with one or more wireless application servers [0067]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the process for authenticating and registering personal identification certificate information as disclosed by Matsuyama to include personal e-mail information verification operations as taught by Ellingson and lastly to include the process of registering personal e-mail information associated with a user as taught by Rosenberg in order to properly secure the verified personal identification information so that to prevent identity theft of a user's personal information, and therefore create a global database of verified users.

As per claims 4 and 10, the Matsuyama/Ellingson/Rosenberg combination disclose claims 1 and 7 as rejected above, where Matsuyama further discloses: "wherein in step (b) the information of certificate is: (a) physically and electronic all presented at said central location; (b) verified physically and electronically at said central location; (c) secured and administrated at said central location," (Figs. 62-66: requesting a personal identification certificate (IDC); col. 67, lines 39-64: personal certificate requesting apparatus performs mutual authentication with a personal identification certificate authority; col. 24, line 63 – col. 25, line 8: the personal identification

Application/Control Number: 12/129,755

Page 12

Art Unit: 3629

certificate authority (IDA) verifies the received identification data to authenticate the user, assigns a personal identification to the template to be added and stores it in the database, encrypts the template to be added using the public key of the personal identification certificate authority and creates a personal identification certificate in which the encrypted template is stored; col. 21, lines 49-58: verify the authenticity of the user). Furthermore, the Examiner notes, with respect to the claim limitation reciting wherein: "the information of certificate is: (a) physically...all presented at said central location." The Examiner takes official notice that physically presenting information of identity at a central location is old and well known in the art. For example, when applying for a Passport with the United States Postal Service ® (USPS, central location), users may physically present information (citizenship certificate, etc.) in person at the USPS of the identity of the person in order to acquire the passport. Similar operations can also be applied when applying for a driver's license at the state division motor vehicles office. Furthermore, the Examiner notes the both of noted examples may alternatively be performed via the central location's website. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Matsuyama/Ellingson/Rosenberg combination to include the well know alternative method of presenting user identity information so that a user can be properly authenticated via the identity verification system and method disclosed by the Matsuyama/Ellingson/Rosenberg combination.

As per claims 5-6 and 11-12, the Matsuyama/Ellingson/Rosenberg combination disclose claims 1 and 7 as rejected above, and with respect to: "wherein the central location is a government agency that has transformed its physical operations to electronic operations and converted its

Application/Control Number: 12/129,755

Page 13

Art Unit: 3629

physical environment to an electronic environment” and “wherein the central location is the United States Postal Service® that has transformed its physical operations to electronic operations and converted its physical environment to an electronic environment,” Matsuyama discloses wherein a personal identification authority serves as a reliable third party agent (col. 3, lines 39-51; col. 26, lines 1-24). Furthermore, the specific type of central location is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of an identity verification system and method and the noted operations for verification of an identity would be performed the same regardless of what type of central location they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Claims 2-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama/Ellingson/Rosenberg in further view of Lyons (US 2002/0103801 A1).

As per claims 2-3 and 8-9, the Matsuyama/Ellingson/Rosenberg combination disclose claims 1 and 7 as rejected above, and with respect to: “attaching a symbol of identity verification/ link to e-mail generated at said one or more email servers of the globally registered certificate of authentication” and “attaching a symbol of identity verification/link to a website hosted by said one or more service providers,” Matsuyama discloses generating a verification certificate (col. 67, line 21- col. 68, line 10). Additionally, Lyons teaches verifying the identity of the member-user; and where a centralized repository preferably attaches a certification of the authenticity of the transferred information (e-mail). The certification would advantageously provide verification

Application/Control Number: 12/129,755

Page 14

Art Unit: 3629

that the person information is related to a particular member-user [0009]. Furthermore, Lyons teaches where a server incorporates a verification symbol or digital certification on each of the selected forms of rating information in order to authenticate the information delivered to participating communities [0022, 28]. Lastly, Lyons teaches where a clearinghouse verifies user's identity through digital certificate [0029]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the verification certificate of Matsuyama to incorporate a verification symbol or digital certification of identity authenticity as taught by Lyons in order to provide an indication for those users who have successfully been authenticated via the identity verification system and method.

Please note:

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed

Application/Control Number: 12/129,755

Page 15

Art Unit: 3629

invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

a. **“For”**

See *e.g. In re Collier*, 158 USPQ 266, 267 (CCPA 1968)(where the court interpreted the claimed phrase “a connector member for engaging shield means” and held that the shield means was not a positive element of the claim since “[t]here is no positive inclusion of ‘shield means’ in what is apparently intended to be a claim to structure consisting of a combination of elements.”

b. **“-Able”**

See *e.g. In re Collier*, 158 USPQ 266, 267-68 (CCPA 1968)(where the court interpreted the claimed phrase “said ferrule-forming member being crimpable onto said shield means” and held that the shield means was not a positive element of the claim since “[t]here is no positive inclusion of ‘shield means’ in what is apparently intended to be a claim to structure consisting of a combination of elements.... “[t]he ferrule or connector member is crimpable but not required, structurally, to be crimped These cannot be regarded as structural limitations and therefore not as positive limitations in a claim directed to structure. They cannot therefore be relied on to distinguish from the prior art.”)

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g. MPEP* §2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) “As a matter of linguistic

Application/Control Number: 12/129,755

Page 16

Art Unit: 3629

precision, optional elements do not narrow the claim because they can always be omitted.” *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board’s claim construction of “further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased” since “this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form ‘may.’”).

Functional recitation(s) have been considered but given less patentable weight because they fail to add any steps and are thereby regarded as intended use language. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

Response to Arguments

With respect to the Applicants remarks submitted on February 8, 2010, Applicant should submit an argument under the heading “Remarks” pointing out disagreements with the examiner’s contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Please see claim rejections above.

Application/Control Number: 12/129,755
Art Unit: 3629

Page 17

Conclusion

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

Application/Control Number: 12/129,755
Art Unit: 3629

Page 18

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.
Examiner, Art Unit 3629

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629

ATTACHMENT F

From: Innovations@usps.gov

To: genevicci@hotmail.com

Cc:

Bcc:

Sent: Tuesday, September 11, 2007 12:53 PM

Subject: Innovations Proposal Case Number 3127 - F.D. FOSTER?VIRTUAL P.O. BOX/SECURITY DEPOSIT BOX/REAL WORLD VERIFICATION PROCESS (TJC)

September 11, 2007

Frederick Foster
F.D. FOSTER?LLC
5049 Lancaster Ave
Philadelphia, PA 19131
215-6681332

Dear Mr. Foster,

Thank you for your business concept proposal (Case #3127) Virtual PO Box. We appreciate the opportunity to learn about this initiative, and your interest in sharing ideas that could potentially help the Postal Service better serve the nation and its customers.

After carefully reviewing the proposal, we have decided not to pursue this opportunity. The Postal Service launched a similar initiative some years ago, but decided not to pursue it.

We will keep you in mind in the event that future developments cause us to revisit opportunities in this area. Once again, thank you for your interest in doing business with the Postal Service.

Sincerely,

Thomas Cinelli
Strategic Business Initiatives Manager

ATTACHMENT G

Confidential Disclosure Disclaimer

We appreciate your interest in the improvement of our services. While we accept for consideration proposals, inventions, suggestions, or ideas (referred to generally as suggestions) that you wish to send us, you should know that we get many suggestions gratuitously, some of which are duplicative, some of which we have already considered, and some of which we have developed on our own. However, we cannot receive them in confidence and we will consider suggestions under the following conditions:

1. Your suggestion and all disclosures and materials concerning it that are provided to the Postal Service, whether printed, graphic, oral, digital, recorded or in any other form, are submitted to the Postal Service on a nonconfidential basis. The Postal Service does not promise or have any obligation to hold the suggestion and all disclosures and materials concerning it confidential.
2. If you have obtained a patent/copyright, all of your rights and remedies (and those of your principals) arising out of the disclosure of such suggestions to, or their use by, the Postal Service are limited to the rights and remedies now or in the future accorded to you under United States patent or copyright laws. Our review of your suggestion does not imply or impose any obligations on us.
3. All other claims of any nature whatever arising out of any disclosure by you to the Postal Service are hereby waived.
4. The Postal Service is under no obligation to return to you any material submitted.
5. These conditions will apply to any additional disclosures you make incidental to your original submission.

If you wish to submit your suggestion subject to these terms, along with related documents such as drawings, please submit it with a signed copy of this letter.

Because we receive a large number of suggestions and do not generally return them, we recommend that you keep a copy of your proposal.

Thank you for your interest in the United States Postal Service.

I have read the above and agree to these conditions.

(Signature)

(Date)

ATTACHMENT H



Publication 131 - The Postal Service Unsolicited Proposal Program - Contents

Unsolicited Proposal Program

US

Contents

Confidential Disclosure Disclaimer

We appreciate your interest in the improvement of our services. While we accept for consideration proposals, inventions, suggestions, or ideas (referred to generally as suggestions) that you wish to send us, you should know that we get many suggestions gratuitously, some of which are duplicative, some of which we have already considered, and some of which we have developed on our own. However, we cannot receive them in confidence and we will consider suggestions under the following conditions:

1. Your suggestion and all disclosures and materials concerning it that are provided to the Postal Service, whether printed, graphic, oral, digital, recorded or in any other form, are submitted to the Postal Service on a nonconfidential basis. The Postal Service does not promise or have any obligation to hold the suggestion and all disclosures and materials concerning it confidential.
2. If you have obtained a patent/copyright, all of your rights and remedies (and those of your principals) arising out of the disclosure of such suggestions to, or their use by, the Postal Service are limited to the rights and remedies now or in the future accorded to you under United States patent or copyright laws. Our review of your suggestion does not imply or impose any obligations on us.
3. All other claims of any nature whatever arising out of any disclosure by you to the Postal Service are hereby waived.
4. The Postal Service is under no obligation to return to you any material submitted.
5. These conditions will apply to any additional disclosures you make incidental to your original submission.

If you wish to submit your suggestion subject to these terms, along with related documents such as drawings, please submit it with a signed copy of this letter. Because we receive a large number of suggestions and do not generally return them, we recommend that you keep a copy of your proposal.

Thank you for your interest in the United States Postal Service.

I have read the above and agree to these conditions.

(Signature) (Date)

< Previous

Contents

LEGAL

Privacy Policy ›
Terms of Use ›
FOIA ›
No FEAR Act EEO Data ›

ON ABOUT.USPS.COM

Newsroom ›
USPS Service Alerts ›
Forms & Publications ›
Careers ›
Site Index ›

ON USPS.COM

USPS.com Home ›
Buy Stamps & Shop ›
Print a Label with Postage ›
Customer Service ›
Delivering Solutions to the Last Mile ›

OTHER USPS SITES

Business Customer Gateway ›
Postal Inspectors ›
Inspector General ›
Postal Explorer ›